WPMS No. 526 of 2001

Hon'ble P.C Verma, J.

This is a writ petition seeking a writ of certiorari to quash the proceeding pending before the trial court on the application under Order IX Rule 13.C.P.P. on the ground that the material on the basis which the said application has been moved are irrelevant. The petitioner can very well raise this objection there before the trial court and trial court can dispose of the application after considering the objection of the petitioner.

Learned counsel for the petitioner submits that it is an abuse of process of law as the petitioner is being harassed by moving of the aforesaid application, which is without basis.

Considering the facts and circumstances, the trial court is directed to decide the application under Order IX Rule 13 of the C.P.C. moved by the defendant after considering the objection raised by the plaintiffs. Petitioners with in a period of one month from the date of production of certified copy of this order.

With the aforesaid observation, the writ Petition is disposed of accordingly.

(P.C Verma, J.)

P. Singh
24-03-2001